



City of Signal Hill

2175 Cherry Avenue ♦ Signal Hill, CA 90755

March 2, 2005

Ms. Mona McGuire De Leon, AICP
LSA Associates, Inc.
20 Executive Park, Suite 200
Irvine, CA 92614

Dear Ms. McGuire De Leon:

Subject: Long Beach Sports Park Recirculated DEIR

We have completed review of the Long Beach Sports Park Recirculated DEIR and find that document includes the City of Signal Hill comments dated February 10, 2004. The attached memorandum from Charlie Honeycutt, Director of Public Works explains our remaining concern that the wording of the mitigation measures suggests that the construction of the Sports Park may proceed without concurrent improvement of Orange and California Avenues. Should you have any questions please call (562) 989-7345.

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Regards,

A handwritten signature in black ink, appearing to be "Gary Jones", written over a horizontal line.

Gary Jones, Director of Community Development

CC: City Manager
Director of Public Works



CITY OF SIGNAL HILL

2175 Cherry Avenue • Signal Hill, California 90755-3799

March 2, 2005

MEMORANDUM

TO: GARY JONES
DIRECTOR OF COMMUNITY DEVELOPMENT

FROM: CHARLIE HONEYCUTT
DIRECTOR OF PUBLIC WORKS

SUBJECT: COMMENTS ON THE RECIRCULATED DRAFT EIR FOR THE LONG BEACH SPORTS

After reviewing the subject EIR, I feel clarification is needed to specify whether traffic mitigation measures will be constructed in coordination with the development of the Sport Park and who is responsible for funding the mitigation measures. On page 4.9-48 under the heading Mitigation Measures, the EIR states *"The significant traffic impacts of the proposed project can be mitigated through implementation of the following recommended mitigation measures. The proposed project can be expected to pay a fair share of the improvement costs associated with the construction of these improvements"*. Following this statement, the EIR lists mitigation measures 4.9.1 through 4.9.5, which addresses the Sports Park fair share funding responsibility for each mitigation measure.

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The City of Signal Hill opposes being held financially responsible for mitigating impacts created by the Sports Park. The development of the Sports Park should not place a financial burden on another agency without consent. If an agency has agreed to share the cost of implementing the mitigation measures, then that agency and the percentage of contribution should be identified. Otherwise, the Sports Park project should be responsible for the full or any remaining expense of implementing the mitigation measures.

Additionally, Section 4.9.7 - Level of Significance After Mitigation (page 4.9-54) should be revised to omit statements that place the responsibility of implementing mitigation measures on another agency. Recommended revisions are as follows:

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- The second sentence of the first paragraph should read: "However, implementation of Mitigation Measures 4.9.3, 4.9.4, 4.9.5 4.9.6, and 4.9.7 requires *approval* by one or public agencies..."
- The last sentence in the first paragraph should read: "Should the City of Signal Hill and/or Caltrans choose not to *approve the implementation* of these mitigation measures, the related project impacts may remain significant and adverse".
- Paragraph two should read: "For the purposes of this EIR, project impacts to the following intersections will remain significant and adverse until the appropriate Responsible Agency *approves Mitigation Measures 4.9.3, 4.9.4, 4.9.5 4.9.6, and 4.9.7 and these Mitigation Measures are implemented by the City of Long Beach or other willing agency*".
- Paragraph three should be revised to clarify that the Responsible Agency will only approve Mitigation Measure 4.9.6 and that the City of Long Beach is responsible for the implementation.

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The comments above also apply to Section 7.2 - Mitigation Monitoring Procedures.

CITY OF SIGNAL HILL

A-5-1

The comment is introductory. It summarizes the concerns of the City of Signal Hill expressed in subsequent comments. Please refer to Responses to Comments A-5-2 and A-5-3.

A-5-2

This comment requests clarification regarding construction of traffic improvements and funding responsibility for those improvements. The lead agency for a project has authority to require mitigation in order to substantially lessen or avoid significant effects on the environment, consistent with the “rough proportionality” standards established by core law (CEQA Guidelines, Section 15041[a]). Some mitigation may be wholly the responsibility of the City (e.g., on-site mitigation measures and measures for which the need for mitigation is wholly the result of the Proposed Project). Other specific mitigation measures may require the approval of other agencies such as the City of Signal Hill and the California Department of Transportation (Caltrans). In these instances, implementation of the measure is not wholly within the jurisdiction of the City, and approval of other responsible agencies is needed so that mitigation may be achieved in a manner consistent with City requirements and in consultation with the City of Signal Hill and/or Caltrans. In other cases, mitigation is proposed for significant effects that may be only partially the result of the proposed Sports Park project. As the project proponent, the City is responsible for mitigating the Long Beach Sports Park project-related impacts at affected off-site intersections via participation on a fair-share basis. As indicated in Mitigation Measure 4.9.1, the City is required to negotiate and “execute an agreement with the City of Signal Hill to contribute a fair-share portion of the total costs for street improvements identified in Mitigation Measures 4.9.2 through 4.9.5.” The mitigation measure specifies that these fees may be paid “incrementally per lot or development site, prior to issuance of a certificate of occupancy.” Although the agreement will be between the City and the City of Signal Hill, it is expected that it is future development projects within the Cities of Long Beach and Signal Hill, not the City of Signal Hill itself, that will contribute to the fair-share funding of these improvements. Therefore, contrary to the comment, the City of Signal Hill is not responsible for bearing the costs of implementing mitigation measures. Rather, these costs will be born on a fair-share basis by new development projects in both cities, including contributions by the City of Long Beach for the percentage of the impacts attributable to the Long Beach Sports Park project. Also, the Draft EIR acknowledges that the City of Long Beach cannot ensure full implementation of mitigation that would occur in the City of Signal Hill.

A-5-3

This comment requests several revisions to the text of the Draft EIR to clarify responsibility for implementing traffic improvements. See Response to Comment A-5-2. Revisions to Section 4.9.7 of the Draft EIR as recommended will be implemented into the Final EIR (FEIR) of the Long Beach Sports Park. Section 4.9.7 on page 4.9-54 of the Draft EIR will be revised to read as follows:

“The significant traffic impacts of the proposed project can be mitigated to below a level of significance with the implementation of mitigation measures identified above. However, the

implementation of Mitigations Measures 4.9.3, 4.9.4, 4.9.5, 4.9.6, and 4.9.7 requires ~~action~~ *approval* by one or more public agencies other than the City of Long Beach. Since implementation of these measures is completely or partially within the control of other jurisdictional agencies (i.e., Caltrans, City of Signal Hill), implementation cannot be ensured by the City of Long Beach. Should the City of Signal Hill and/or Caltrans choose not to ~~implement~~ *approve the implementation of* these measures, the ~~related-project~~ *project-related* impacts may remain significant and adverse.

For the purposes of this EIR, project impacts to the following intersections will remain significant and adverse until the appropriate Responsible Agency approves ~~and implements~~ Mitigation Measures 4.9.3, 4.9.4, 4.9.5, and 4.9.7 *and these Mitigation Measures are implemented by the City of Long Beach or other willing agency*:

- Orange Avenue at Spring Street (Mitigation Measure 4.9.3)
- I-405 SB Ramps at Orange Avenue (Mitigation Measure 4.9.4)
- 32nd Street at Orange Avenue (Mitigation Measure 4.9.5)
- Orange Avenue at 28th Street/Project Driveway No. 4 (Mitigation Measure 4.9.7).

Approval from the City of Signal Hill is also required to install street improvements and signage restricting access to “right in/right out” at Project Driveway Nos. 3 and 5 per Mitigation Measure 4.9.6. Until the appropriate Responsible Agency approves ~~and implements~~ Mitigation Measure 4.9.6, *and this Mitigation Measure is implemented by the City of Long Beach or other willing agency*, project impacts to the minor street approach (28th and Project Driveway No. 3) ~~to~~ *of* the intersection of Orange and 28th Street will remain significant and adverse.

While operating within the limits of the interjurisdictional decision-making processes, the City of Long Beach is committed to working with Caltrans and the City of Signal Hill to implement these mitigation measures to the best of its ability.”

These changes will also apply to the applicable portions of Chapter 1.0, Executive Summary, and Chapter 7.0, Mitigation Monitoring and Reporting Program. The changes clarify that the intent of the measures is to promote cooperation between the two cities in order to identify fair-share mechanism for the Long Beach Sports Park and other future projects to bear the costs of proposed mitigation. These clarifications do not change the analysis or conclusions of the Draft EIR.